

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re:	)	Chapter 13
	)	Case No. 06-14772 JNF
Donna M. DiMare	)	
	)	
Debtors	)	
	)	
Donna M. DiMare	)	
Plaintiff	)	Adversary Proceeding
v.	)	No.07-1352 JNF
Realty Trac, Inc.	)	
Defendant	)	
	)	

**PRETRIAL ORDER**

1. The parties are ordered to confer pursuant to Fed. R. Civ. P. 26, made applicable to this proceeding by Fed. R. Bankr. P. 7026, within 45 days of the date of this order and to file no later than January 28, 2008, a certification that the rule 26(f) conference has taken place, as well as a written report outlining a proposed discovery plan.

2. Discovery shall be completed on or before February 28, 2008, unless the court, upon appropriate motion and consideration of the discovery plan, alters the time and manner of discovery.

3. The Parties are ordered to file by March 28, 2008, a Joint Pretrial Memorandum approved by all counsel and unrepresented parties, which shall set forth the following:

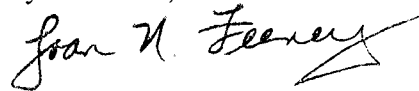
- (A) The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.
  - (B) A list of witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.
  - (C) A list of witnesses intended to be called as experts, together with a statement as to an objection to their qualification.
  - (D) An appropriate identification of each document or other exhibit, other than those to be used for impeachment, in the sequence in which they will be offered, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.
  - (E) A statement of any objections, together with the grounds therefor, reserved as to the admissibility of a deposition designated by another party and to the admissibility of documents or exhibits. Objections not so disclosed, other than an objection under Rule 402 and 403 of the Federal Rules of Evidence, shall be deemed waived unless excused by the court for good cause shown.
  - (F) A statement confirming that the parties have exchanged copies of the exhibits.
  - (G) Facts which are admitted and which require no proof.;
  - (H) The issues of fact which remain to be litigated (evidence as the trial shall be limited to these issues).
  - (I) The issues of law to be determined.
  - (J) A statement summarizing the Plaintiff's case.
  - (K) A statement summarizing the Defendant's case.
  - (L) The Estimated length of the trial.
4. Any dispositive motions must be filed no less than seven business days prior the date

fixed for the filing of the Joint Pretrial Memorandum or the relief sought in such motion shall be deemed to have been waived.

5. Failure to strictly comply with all of the provisions of this order may result in the automatic entry of a dismissal or a default as the circumstances warrant in accordance with Fed. R. Civ. P. 16, made applicable to this proceeding by Fed. R. Bankr. P. 7016.

6. A pretrial conference or trial shall be scheduled after the filing of the Joint Pretrial Memorandum.

By the Court,



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Joan N. Feeney  
United States Bankruptcy Judge

Date: November <sup>30</sup>~~29~~, 2007

cc: Messr's David G. Baker and Michael Hayden